

OFFICE OF THE
COUNTY COUNSEL

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COUNTY COUNSEL

January 24, 2019

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VIA EMAIL ONLY

Renee Giacomini Brewer
CHIEF DEPUTY COUNTY COUNSEL

Frank Shinneman
MuckRock News
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Newton F. Oldfather
Brandon W. Halter
Sarah B. Anker

Re: Public Records Act Request dated January 14, 2019
File No. 19-MCSO-019

DEPUTIES

Colleen McGrath
ADMINISTRATIVE SERVICES
OFFICER

Dear Mr. Shinneman,

Our office represents the Marin County Sheriff's Office. The purpose of this letter is to respond to your Public Records Act request dated January 14, 2019. Although your recent email to Sheriff Doyle indicates the request was made on January 11, 2019, our records show that the original request was dated January 14, 2019. Accordingly, we will proceed based on the original request dated January 14, 2019.

Marin County Civic Center
3501 Civic Center Drive
Suite 275
San Rafael, CA 94903
415 473 6117 T
415 473 3796 F
415 473 2226 TTY
www.marincounty.org/cl

Your request seeks any records and reports created regarding the discharge of a firearm at any person by Deputy Evan Kubota, including but not be limited to Marin County Personnel Commission and Marin County Sheriff records, reports and findings.

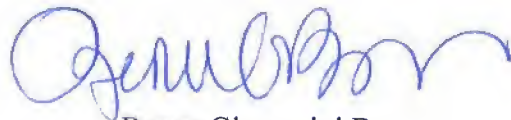
The Marin County Sheriff's Office is in possession of responsive documents. However, such documents are exempt from disclosure based on the following:

1. Confidential personal or medical information that is exempt under the California Public Records Act, individual privacy rights under the United States Constitution, individual privacy rights under the California State Constitution, or any Federal or State confidentiality or medical information privacy statute, such protected information has been redacted prior to the document's disclosure. (Government Code section 6254(k), incorporating United States Constitution and California Constitution.)
2. Preliminary drafts exempt from disclosure pursuant to Government Code Section 6254(a).

3. Confidential information protected by the attorney-client privilege or attorney work product doctrine. Government Code Section 6254(k) and Evidence Code Section 950 et seq.
4. Records, the disclosure of which is exempted or prohibited pursuant to federal or state law. Government Code Section 6254(k).
5. Records exempt because the public interest in withholding the records clearly outweighs the public interest in disclosure of the records. Government Code Section 6255.
6. Records exempt from disclosure as investigative and intelligence information. Government Code Section 6254(f).
7. Exempt from disclosure based on the deliberative process privilege and mental processes privilege. Government Code Section 6255.
8. Exempt from disclosure based on pending claims or litigation. Government Code Section 6254 (b).

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Renee Giacomini Brewer
Chief Deputy County Counsel